

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KEYSTONE OUTDOOR ADVERTISING :
COMPANY, INC., and :
KEYSTONE PORT, INC., and :
:
DELAWARE RIVER PORT AUTHORITY :
:
v. : CIVIL ACTION
:
:
SECRETARY OF THE PENNSYLVANIA : NO. 19-5951
DEPARTMENT OF TRANSPORTATION :

ORDER

AND NOW, this 18th day of July 2022, upon consideration of Plaintiffs Keystone Outdoor Advertising Company, Inc. and Keystone Port, Inc.'s Motion for Partial Summary Judgment (ECF Nos. 39-40); Defendant PennDOT's Motion for Partial Summary Judgment (ECF Nos. 42-44); Plaintiff-Intervenor's Motion for Partial Summary Judgment (ECF Nos. 46-47); and all Responses, Oppositions, and Supplements thereto; it is **ORDERED** that:

1. Plaintiff Keystone's Motion for Partial Summary Judgment is **DENIED**;
2. Defendant PennDOT's Cross-Motion for Partial Summary Judgment on Keystone's claims is **GRANTED**. Keystone is not a third party beneficiary to the Compact and has no enforcement rights, and therefore cannot obtain remedies thereunder;
3. Plaintiff-Intervenor DRPA's Motion for Partial Summary Judgment is **GRANTED** (Nos. 46-47) as to enter **JUDGMENT** in favor of the DRPA **declaring**, under the express terms of the Commonwealth of Pennsylvania's and the State of New Jersey's Compact creating the Delaware River Port Authority as approved by Congress and under the express legislation of both member states, the Secretary of the Pennsylvania Department of

Transportation may not, without Plaintiff-Intervenor DRPA's consent, unilaterally interfere with, impose Pennsylvania laws and regulations on, exercise jurisdiction to enforce federal laws on, or prohibit the operation and/or maintenance of billboards owned or managed by the DRPA and its third party licensees on DRPA-owned property within Pennsylvania.

IT IS SO ORDERED.

BY THE COURT:

/s/ R. Barclay Surrick
R. BARCLAY SURRICK, J.